

Provo, Utah Sept. 30, 1916.

Provo Pressed Brick Company,
Provo, Utah.

Gentlemen:

Your verbal protest of this date regarding the amount of water turned to the Provo Reservoir Company at this time and your application for more water for power purposes, has been duly considered and you are advised as follows:

The application of the Provo Pressed Brick Company number 1221 of date Feb. 28, 1907 for 100 second feet of water was for power purposes.

And the application of the Provo Reservoir Company number 1828 of date April 16, 1908 for 150 second feet of water was for irrigation.

The application of the Provo Reservoir Company although later in point of time to your application, was for a higher use-irrigation, and under section 1288X27 must be satisfied before your application can participate.

Should the purpose of use of application number 1828 be changed from the higher use to the generating of power, as provided in section 1288X24, then your application number 1221 must be satisfied before number 1828 can participate. At the present time the uses of the water diverted by the Provo Reservoir Company are exclusively for irrigation, and are due to receive the consideration of this office, ---while priority of appropriation shall give the better rights as between those using water for the same purpose, the use for domestic purposes shall have preference over use for all other purposes, and use for agricultural purposes shall have preference over use for any other purpose except domestic use.****

To my knowledge during the years 1913, 1914, 1915 and 1916 and during the years 1909 to 1913 as far as I know, the Provo Reservoir Company have been using water without regard to your application number 1221, and have not been restrained in this use. Section 1288x23 may also have some bearing on this matter, the writer cites these sections that are questions for determination and that are given consideration in this matter.

Under present conditions, I can see of no way wherein the Commissioner can make a distribution that will afford you any relief.

With the foregoing in view your protest for a reduction of volume of flow to the Provo Reservoir Company is refused, and your application for more water is denied.

You are further advised, that, you may appeal to the Court for an order in this matter. I have desired to satisfy all parties in the distribution of Provo River pending the trial of this case, but if you now ask for an order from the Court, I will be pleased to assist you by making a complete measurement of Provo River and give you all the information that we have that will enable you to present the conditions and facts to the Court properly.

Resp.

(signed)

T. F. Wentz

Commissioner.

Copy delivered to Provo Pressed Brick Company.

Copy to Provo Reservoir Company.

(ORIGINAL)

CERTIFICATE OF APPROPRIATION OF WATER

STATE OF UTAH

FILE NO. 3097.

CERTIFICATE NO. 351.

UTAH LAKE - JORDAN RIVER WATER DIVISION

Whereas, It has been made to appear to the satisfaction of the undersigned, State Engineer of the State of Utah, that the appropriation of water from Snake Creek and Lavina Creek, in Wasatch County, made by Utah Power & Light Company, has been effected in accordance with the application therefor, received in the office of the State Engineer on the 1st day of April, 1910, recorded on page 502-504 in book P-3 of the record of applications to appropriate water; Therefore, Be it known that W. D. Beers, State Engineer of the State of Utah, under and by authority and direction of the provisions of the Laws of Utah, 1907, as amended by Chapter 62 of the Session Laws of Utah, 1909, on "Water Rights and Irrigation," do hereby certify said Utah Power & Light Company, of Salt Lake City, Salt Lake County, State of Utah, is entitled to the use of twenty-five (25) cfs of water per second, subject to the following restrictions, to-wit:

The water is diverted as follows: From SNAKE CREEK, at a point which bears north 26°10' west 761.3 ft. distant from the west quarter corner of Section 17, Township 3 South, Range 4 East, Salt Lake base and meridian; from LAVINA CREEK at a point which bears north 15° east 754.1 ft. distant from the aforesaid corner. The diverting works consist of a concrete dam and intake, a wooden flume 148 ft. long, 6105 ft. of wood stave pipe 28 in. in diameter, and 4156 ft. of 16 in. pressure pipe from 28 in. to 16 in. in diameter.

The water is used from January 1 to December 31, inclusive, of each year. Two 62½ in. Double tangential wheels, running under an effective head of 665 ft., are employed to develop power used for electric lighting, heating, and mining machinery at Park City Mining District and elsewhere in Utah.

After the water has been thus diverted and used, it is returned to the natural channel of Snake Creek at a point which bears south 41°6' east 2988.9 ft. distant from the northwest corner of Section 21, Township 3 South, Range 4 East, Salt Lake base and meridian.

The diverting works must be maintained in such condition as will prevent an unreasonable loss of water.

The date of the appropriation is April 1, 1910.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this fourteenth day of April, A. D. 1910.

STATE ENGINEER

(ORIGINAL)

CERTIFICATE OF APPROPRIATION OF WATER

STATE OF UTAH

APPLICATION NO. 5097.

CERTIFICATE NO. 351.

UTAH LAKE - JORDAN RIVER WATER DIVISION

Whereas, It has been made to appear to the satisfaction of the undersigned, State Engineer of the State of Utah, that the appropriation of water from Snake Creek and Lavina Creek, in Wasatch County, made by Utah Power & Light Company, has been perfected in accordance with the application therefor, received in the office of the State Engineer on the 1st day of April, and recorded on page 502-504 in book P-3 of the record of applications to appropriate water; Therefore, Be it known that I, W. D. Beers, State Engineer of the State of Utah, under and by authority and direction of the provisions of the Compiled Laws of Utah, 1907, as amended by Chapter 62 of the Session Laws of Utah, 1909, on "Water Rights and Irrigation," do hereby certify that the said Utah Power & Light Company, of Salt Lake City, in Salt Lake County, State of Utah, is entitled to the use of twenty-five (25) cubic feet of water per second, subject to the following restrictions, to-wit:

The water is diverted as follows: From SNAKE CREEK, at a point which bears north $26^{\circ}10'$ west 761.3 ft. distant from the west quarter corner of Section 17, Township 3 South, Range 4 East, Salt Lake base and meridian; from LAVINA CREEK, at a point which bears north 15° east 754.1 ft. distant from the aforesaid corner. The diverting works consist of a concrete dam and intake, a wooden flume 148 ft. long, 6105 ft. of wood stave pipe 28 in. in diameter, and 6105 ft. of steel pressure pipe from 28 in. to 16 in. in diameter.

The water is used from January 1 to December 31, inclusive, of each year. Two 62½ in. Double tangential wheels operating under an effective head of 665 ft., are employed to develop power used for electric lighting, heating, and propelling machinery at Park City Mining District and elsewhere in Utah.

After the water has been thus diverted and used, it is returned to the natural channel of Snake Creek at a point which bears south $41^{\circ}6'$ east 2988.9 ft. distant from the northwest corner of Section 21, Township 3 South, Range 4 East, Salt Lake base and meridian.

The diverting works must be maintained in such condition as will prevent an unreasonable loss of water.

The date of the appropriation is April 1, 1910.

In witness whereof, I have hereunto set my hand and affixed the seal of my office this
of April, A. D. 1916.

fourteenth

STATE ENGINEER

31894

E. 123
J.H.

Certificate of Appropriation of Water
STATE OF UTAH
Utah Lake -
Jordan River Water Division

Certificate No. 351.

To Request of

For the Power Co.

Filed for record this 10th day
of May 1911 at 2 o'clock
P. M., and entered in Book 3
of Miscellaneous pages 78 79.

Chas. E. Benson
s. Mattie Clegg Deputy
Recorder Wasatch County, Utah.

This certificate must be filed for record with
Recorder at Wasatch County, Utah,
within thirty days from its date.

, 10 paid